

1 ROB L. PHILLIPS  
Nevada Bar No. 8225  
2 Rob.phillips@fisherbroyles.com  
FISHERBROYLES, LLP  
3 5670 Wilshire Blvd.  
Suite 1800  
4 Los Angeles, California 90036  
Telephone: (702) 518-1239  
5 *Counsel for Plaintiff*

6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

8 WEBSITE MANAGEMENT SYSTEMS,  
LLC, a Nevada Limited Liability  
9 Company

Case No.: 2:20-cv-00213

10 Plaintiff,

11 v.

**[PROPOSED] ORDER GRANTING  
PLAINTIFF'S MOTION FOR  
TEMPORARY RESTRAINING ORDER**

12 BENJAMIN DAILED A, an individual  
residing in Nevada, MELVIN OMAN, an  
13 individual residing in Nevada, DEVAN  
HIRST, an individual residing in Nevada,  
14 YES WE WILL, INC., a Nevada  
Corporation, and DOES 1-X,

15 Defendants.  
16  
17

18 Plaintiff Website Management Systems, LLC, ("WMS") moved for an entry of  
19 temporary restraining order pursuant to Nev. Rev. Stat. § 600A.010, *et seq.*, and the terms and  
20 covenants of contractual agreements by and between WMS and Defendants Benjamin Daileda  
21 ("Daileda"), Melvin Oman ("Oman"), Devan Hirst ("Hirst") and Yes We Will, Inc. ("Yes We  
22 Will") (collectively "Defendants"). This Court, having duly considered Plaintiff's Motion for  
23 Temporary Restraining Order and Preliminary Injunction, the declaration of Rob Raskin and  
24 exhibits included therewith, the pleadings and records on file, the Memorandum of Points and  
25 Authorities, and any oral argument of counsel received by this Court, hereby concludes as  
26 follows:

27 Plaintiff is likely to succeed on its claims under Nevada's Uniform Trade Secret Act  
28

(Nev. Rev. Stat. §600A.010. *et seq.*) ("UTSA") and its breach of contract claims.

Regarding the claims under the UTSA, Plaintiff is likely to prove (i) it owns trade secrets; (ii) Defendants misappropriated and are using Plaintiff's trade secrets; (iii) Plaintiff will and is suffering irreparable harm; (iv) the balance of hardships weighs in the favor of Plaintiff and (v) the issuance of the temporary restraining order is in the public's interest.

Regarding the breach of contract claims, Plaintiff is likely to prove (i) the existence of employment and confidentiality agreements ("Agreements") with Defendants Daileda, Oman and Hirst; (ii) Defendants Daileda, Oman and Hirst breached their respective Agreements by misappropriating and disclosing Plaintiff's confidential information and starting a competing business in violation of the Confidentiality and Non-Compete provisions set forth in the Agreements; (iii) Plaintiff performed its obligations under the Agreements and (iv) Plaintiff has been damaged by said breaches of the Agreements.

**THEREFORE, IT IS HEREBY ORDERED AND DECREED** that pending a hearing by this Court on Plaintiff's Motion for Preliminary Injunction, Defendants, and all agents, partners, servants or other person or entities acting for or in concert with Defendants, is and are hereby restrained from:

1. possessing, using, disclosing and otherwise exploiting Plaintiff's confidential data comprising at least Plaintiff's trade secrets including: (i) the process for optimizing the search results position of a customer's website based on key words; (ii) the detailed in-house procedure for identifying leads; (iii) the list of leads generated from the detailed in-house procedure for identifying leads; (iv) the password protected website demo which Plaintiff uses to show customers the benefits of utilizing Plaintiff's search engine optimization tools; and (v) the detailed in-house order fulfillment procedure to satisfy customer needs; and

2. destroying, deleting or otherwise eliminating evidence, including tangible documents and digital records, of Defendants' possession, use, disclosure and exploitation of Plaintiff's trade secrets and other confidential information; and

3. engaging or operating any business in competition with Plaintiff's business

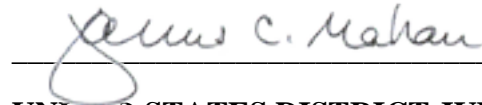
comprising: (i) search engine optimization; (ii) selling of LLC's, corporate credit and business plans and (iii) development of custom websites.

**IT IS FURTHER ORDERED AND DECREED** that a hearing on Plaintiff's Motion for Preliminary Injunction shall be held on March 4, 2020 at 10:30 a.m., in Courtroom 6A of the Nevada District Court located at 333 Las Vegas Boulevard South, Las Vegas, NV 89101.

**IT IS FURTHER ORDERED AND DECREED** that Plaintiff post a bond in the sum of \$2,000 to render this Order effective, unless this Court grants Plaintiff's request that no bond be posted.

DATED February 25, 2020, at 10:30 A.M.

**IT IS SO ORDERED:**



**UNITED STATES DISTRICT JUDGE**